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Order 2002-8-21



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Served: August 28, 2002

Issued by the Department of Transportation
on the 23rd day of August, 2002

Essential Air Service at

STAUNTON, VIRGINIA

Under 49 U.S.C. 41731 *et seq.*

DOCKET OST-2002-11378 - 9

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department is extending Air Midwest's service obligation at Staunton, Virginia, for an additional 30 days, through September 23, 2002.¹

Background

On January 23, 2002, Air Midwest, Inc., d/b/a US Airways Express (Air Midwest), filed a 90-day notice of its intent to suspend its subsidy-free service at Staunton, effective April 23, 2002.² By Order 2002-3-19, March 20, 2002, the Department prohibited Air Midwest from suspending service at Staunton for an initial 30-day period, through May 23, 2002, and stated that we would issue subsequent 30-day hold-in orders until we could secure replacement service. As required by 49 U.S.C 41734, we have extended Air Midwest's service obligation for additional 30-day periods, the latest through August 23, 2002, by Order 2002-7-11.

Although we have received proposals, this case will not be completed before the end of the current hold-in period, and, as required by 49 U.S.C. 41734, we must continue to hold Air Midwest in at Staunton for an additional 30-day period.

This order is issued under authority assigned in 14 CFR 385.12(k)(5).

ACCORDINGLY,

1. The Department requires Air Midwest, Inc., d/b/a US Airways Express, to maintain essential air service at Staunton, Virginia, consisting of at least three nonstop round trips a day between

¹ Since September 22nd is a Sunday, this hold-in period will end on Monday, September 23rd. (See 14 CFR 302.08)

² While Air Midwest's notice was dated January 7th, we did not receive it until January 23rd.

Staunton and Greater Pittsburgh International Airport, for an additional 30-day period, through September 23, 2002, or until a carrier capable of providing reliable replacement service actually begins, whichever occurs first;³

2. The Department directs Air Midwest to retain all books, records, and other source and summary documents to support subsidy claims for payment and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;

3. Docket OST-2002-11378 will remain open until further order of the Department; and

4. The Department will serve a copy of this order on the Mayor and Airport Manager of Staunton, Virginia, the State of Virginia and Air Midwest, Inc., d/b/a US Airways Express.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, must file such petitions within ten days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

³ In accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation for successive 30-day periods as necessary until replacement service actually begins.